

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

OSCAR HALL,)	
)	
Petitioner,)	
)	
v.)	No. 3:17 CV 263
)	
SUPERINTENDENT,)	
)	
Respondent.)	

ORDER

Oscar Hall, a *pro se* prisoner, filed a notice of appeal challenging the dismissal of his habeas corpus petition. He now seeks leave to proceed *in forma pauperis* on appeal. Pursuant to 28 U.S.C. § 1915(a)(3), “[a]n appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith.” An appeal is not taken in good faith if it is frivolous. *See Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000) (“[T]o sue in bad faith means merely to sue on the basis of a frivolous claim, which is to say a claim that no reasonable person could suppose to have any merit.”).

This appeal is not taken in good faith. Hall’s habeas petition was dismissed as untimely. (DE # 5.) In Hall’s motion to reconsider, he argued that he was not challenging his criminal conviction, but rather a civil counterclaim he filed in state court. This court denied his motion to reconsider on the basis that Hall may not challenge a civil state court proceeding through his habeas corpus petition. (DE # 14.) Thus, because Hall’s petition has no proper legal basis, his appeal is legally frivolous and not taken in good faith.

For these reasons, Hall's motion for leave to proceed *in forma pauperis* (DE # 15) is
DENIED.

SO ORDERED.

Date: November 8, 2017

s/James T. Moody
JUDGE JAMES T. MOODY
UNITED STATES DISTRICT COURT